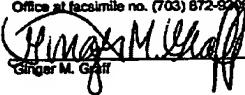


Application Serial No. 09/765,151
 Amendment dated March 18, 2005
 Reply to Office Action dated November 18, 2004

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 09/765,151
 Filed: January 17, 2001
 Applicant: Gilbert R. Gonzales et al.
 Title: COMBINATION AND METHOD INCLUDING A VISUAL MARKER
 FOR DETERMINING COMPLIANCE WITH A MEDICATION
 REGIMEN
 Art Unit: 3732
 Examiner: Anu Ramana
 Attorney Docket: UNSP-04 (now PEDI-27)

Cincinnati, Ohio 45202

March 18, 2005

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

In response to the Office Action dated November 18, 2004, in the above-
 identified application, Applicants respond as follows:

Amendments to the Claims are reflected in the Listing of Claims which
 begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

06/14/2005 SDIRETAL 00000019 233000 09765151

01 FC:2251 60.00 DA

PAGE 208 * RCVD AT 3/18/2005 3:23:34 PM (Eastern Standard Time) * SVR:USPTO-EFXRF-1/6 * DNIS:8729306 * CSD:513 241 6234 * DURATION (mm:ss):20-20

Adjustment Date: 06/14/2005 SDIRETAL
 03/28/2005 GWOOTEN 00000001 233000 09765151
 01 FC:2252 225.00 CR

Received in
 CPC 3/18/05

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 PATENT, TRADEMARK, COPYRIGHT
 AND UNFAIR COMPETITION LAW
 AND RELATED LITIGATION
 EDMUND P. WOOD 1923-1968
 TRUMAN A. HERRON 1938-1976
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TECHNICAL ADVISORS
 HENRY M. LABODA, PH.D.

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May 6, 2005

FACSIMILE COVER SHEET

To: Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313

Fax: 703-872-9306

From: David E. Jefferies

Re: Request for Refund of Fee for
 Extension of Time
 Serial No: 09/765,151
 Applicant: Gilbert R. Gonzales et al.
 Filing Date: January 17, 2001
 Title: COMBINATION AND
 METHOD INCLUDING A VISUAL
 MARKER FOR DETERMINING
 COMPLIANCE WITH A
 MEDICATION REGIMEN
 Art Unit: 3751
 Examiner: Anu Ramana
 Conf. No.: 6299
 Our Ref: PEDI-27 (formerly UNSP-04)

Pages: 9 (including cover sheet)

MESSAGE/COMMENTS

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PATENT

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Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 09/765,151
 Applicant: Gilbert R. Gonzales et al.
 Filing Date: January 17, 2001
 Title: COMBINATION AND METHOD INCLUDING A VISUAL MARKER FOR
 DETERMINING COMPLIANCE WITH A MEDICATION REGIMEN
 Art Unit: 3751
 Examiner: Anu Ramana
 Conf. No.: 6299
 Atty. Docket: PEDI-27 (formerly UNSP-04)

Cincinnati, Ohio 45202

May 6, 2005

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

REQUEST FOR REFUND OF FEE FOR EXTENSION OF TIME

A response to Office Action dated November 18, 2004 was filed in the above-identified application on March 18, 2005. The Commissioner was authorized to charge our Deposit Account No. 23-3000 in the amount of \$60.00 for the small entity fee for a one-month extension of time as set forth in 37 C.F.R. § 1.17(a)(1). However, our Deposit Account No. 23-3000 was charged \$225.00 on March 28, 2005 for the small entity fee for a two-month extension of time.

This response to Office Action, with a one-month extension of time, was originally transmitted and received by the U.S. Patent and Trademark Office on March 18, 2005 (PTO auto reply attached as Exhibit A hereto). Thus, only a one-month

extension was required, and there is no fee due for an extra extension of time beyond the fee for the one-month extension of time previously authorized.

A copy of our deposit account statement is attached as Exhibit B. It is believed that the U.S. Patent and Trademark Office has erroneously charged our deposit account \$225.00 for a two-month extension of time. Therefore, Applicants are entitled to a refund in the amount of \$165.00, which equals the amount overcharged, under 37 C.F.R. § 1.26(a).

Please forward a refund check in the amount of \$165.00 to the undersigned at the address below at your earliest possible convenience.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By 
David E. Jeffries, Reg. No. 46,800

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
Cincinnati, Ohio 45202
(513) 241-2324 (voice)
(513) 421-7269 (facsimile)

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Exhibit A

Auto-Reply Facsimile Transmission



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Auto-Reply Facsimile Transmission



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Page

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513 241 6234

513 241 6234 P.07

Exhibit B

Deposit Account Statement

Requested Statement
 Month: Mar-05
 Deposit Account Number: 233000

DATE	SEQ	POSTING	ATTORNEY	FEE
		REF TXT	DOCKET	CODE
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		NBR		ATTORNEY
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	63 857	PCT/US05/08	8007	\$40.00 KAS
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30-Mar	1	10245178 POUR-15R	1806	\$180.00 KRH
30-Mar	159	10350612 PPO/11A	2501	\$700.00 DSS

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